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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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NOB
2-8-02

Application of: Broome *et al.*

Application No.: 09/723,003

Group Art Unit: 3731

Filed: November 27, 2000

Examiner: Kevin Thao Truong

For: DISTAL PROTECTION DEVICE
AND METHOD

Attorney Docket No.: 10177-108

DECLARATION OF THOMAS E. FRIEBEL UNDER 37 C.F.R. § 1.608(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Thomas E. Friebel, declare and state as follows:

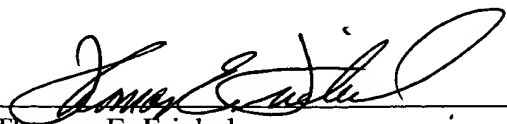
1. I am a partner at the law firm of Pennie & Edmonds LLP and am an attorney of record in the above-captioned application.
2. I am familiar with the proposed count in the accompanying "Request Under 37 C.F.R. §§ 1.607 And 1.608(a) For Interference With A Patent."
3. There is a basis upon which Applicants are entitled to a judgment relative to the patentee of United States Patent No. 6,179,859.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Date January 29, 2002


Thomas E. Friebe

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